IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL NO. 3:04CV00302

WILLIAM MINK,)
)
Plaintiff,)
)
vs.) ORDER OF DISMISSAL FOR FAILURE
) TO PROSECUTE
COUNTRYWIDE HOME LOANS,) FED. R. CIV. P. 41(b)
INC.,)
)
Defendant.)
)

THIS MATTER is before the Court *sua sponte* concerning Plaintiff's failure to prosecute his claim.

On June 22, 2004, the *pro se* Plaintiff William Mink ("Plaintiff"), filed his Complaint against Defendant Countrywide Home Loans, Inc., ("Defendant") alleging numerous causes of action arising out of a real estate transaction. On August 18, 2004, Defendant filed a Motion to Dismiss, and on September 12, 2005, Defendant also filed a Motion for Summary Judgment. Plaintiff has not filed a response to either of the Motions filed by Defendant. Since July 7, 2006, the Clerk has mailed a Notice and two Orders to Plaintiff at his address of record. (See Docs. Nos. 16-18). Each of the three documents was returned as undeliverable.

Plaintiff has failed to keep the Court apprised of his current address. Other than filing the Complaint, Plaintiff has taken no further action in prosecution of his claim against Defendant. Furthermore, Plaintiff has failed to show cause why this case should not be dismissed for failure to prosecute.

NOW, THEREFORE, IT IS ORDERED that pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, this matter is DISMISSED WITHOUT PREJUDICE.

Signed: August 29, 2006

Frank D. Whitney

United States District Judge